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Attorneys for Plaintiff

(ADDITIONAL COUNSEL LISTED BELOW)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID CAPLAN,

Plaintiff,

VS.

CNA INTEGRATED DISABILITY
PROGRAM PLAN; THE HARTFORD
FINANCIAL SERVICES GROUP, INC.; and
CONTINENTAL ASSURANCE COMPANY,

Defendants.

Case No. C06-5865 CW

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO PERMIT PLAINTIFF TO
FILE AN AMENDED COMPLAINT
AND TO CONTINUE DATES**

ADDITIONAL COUNSEL:

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STIPULATION AND [PROPOSED] ORDER TO PERMIT PLAINTIFF TO FILE AN AMENDED COMPLAINT
AND TO CONTINUE DATES (Case No. 06-05865 CW) PAGE

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Attorneys for Defendants
CNA Integrated Disability Program Plan and
Continental Assurance Company

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WHEREAS Plaintiff filed his complaint on September 22, 2006;

WHEREAS the Court issued a scheduling order as follows:

Date	Event
December 1, 2006	Meet and Confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
December 1, 2006	File ADR Certification signed by Parties and Counsel
December 1, 2006	File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
December 15, 2006	Last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report
December 22, 2006	Initial Case Management Conference in Courtroom 2, Oakland at 1:30 PM;

WHEREAS on October 17, 2006, Plaintiff and Defendant Hartford Financial Services

1 Group ("Hartford") stipulated that all defendants would have an extension until November 2,
2 2006 to file a responsive pleading;

3 WHEREAS on November 2, 2006, Plaintiff and Defendant Hartford stipulated that
4 Defendants CNA Integrated Disability Program Plan ("the Plan") and Continental Assurance
5 Company ("Continental") would have a further extension until November 17, 2006 to file a
6 responsive pleading;

7 WHEREAS on November 14, 2006, Plaintiff and Defendants the Plan and Continental
8 stipulated that the Plan and Continental would have a further extension until November 27, 2006
9 to file a responsive pleading;

10 WHEREAS Defendant Hartford noticed a Motion to Dismiss and a Motion for Summary
11 Judgment for December 22, 2006, at 10:00 AM;

12 WHEREAS some Defendants have indicated that they will provide information to
13 Plaintiff by December 18, 2006 which may suggest that Plaintiff should, depending on the
14 content of that information, amend the complaint to bring concurrent state law claims against an
15 additional defendant, as well as address Defendant Hartford's contention in its Motion for
16 Summary Judgment that the incorrect Hartford entity was named, pursuant to the Declaration of
17 Jeffery P. Apuzzo filed in support of Hartford's Motion for Summary Judgment;

18 NOW, THEREFORE, the parties to this action, by and through their undersigned
19 attorneys, hereby stipulate and respectfully request the Court to order as follows:

- 20 1. Plaintiff David Caplan will file a First Amended Complaint by December 29,
21 2006.
- 22 2. All Defendants who have appeared in this action will have 10 days after service of
23 the First Amended Complaint to file a responsive pleading, pursuant to
24 Fed.R.Civ.P. 15(a).
- 25 3. Specifically, Defendants the Plan and Continental, whose answer was previously
26 due by November 27, 2006, will have an extension to file a responsive pleading
27 until 10 days after service of the First Amended Complaint, pursuant to
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Fed.R.Civ.P. 15(a).

4. If any new defendants are named in the First Amended Complaint, those defendants will have 20 days following service to file a responsive pleading, pursuant to Fed.R.Civ.P. 12(a)(1)(A).

5. If any new defendants named in the First Amended Complaint are represented by counsel who have already appeared in this action, those counsel will agree to accept service of the First Amended Complaint through their attorneys by facsimile and U.S. Mail, to waive the additional 40 days ordinarily allotted to defendants so served pursuant to Fed.R.Civ.P. 12(a)(a)(B), and will instead file a responsive pleading within 20 days of service of the First Amended Complaint.

6. All previously scheduled court-ordered dates and noticed motion dates are continued as follows:

<u>Original Date</u>	<u>Event</u>	<u>New Date</u>
12/1/2006	Meet and Confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	2/2/2007
12/1/2006	File ADR Certification signed by Parties and Counsel	2/2/2007
12/1/2006	File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	2/2/2007
12/1/2006	Last day for Plaintiff to file an Opposition to Defendant Hartford's Motion for Summary Judgment and Motion to Dismiss	2/2/2007
12/8/2006	Last day for Defendant Hartford to file a Reply Brief in Support of Hartford's Motion for Summary Judgment and Motion to Dismiss	2/9/2007
12/15/2006	Last day to complete initial disclosures or state	2/16/2007

objection in Rule 26(f) Report, file Case

Management Statement, and file Rule 26(f) Report

12/22/2006 Initial Case Management Conference in **2/23/2007, 10:00 AM**

Courtroom 2, Oakland at 1:30 PM;

12/22/2006 Hearing on Defendant Hartford's Motion for **2/23/2007, 10:00 AM**

Summary Judgment at 10:00 AM

12/22/2006 Hearing on Defendant Hartford's Motion to **2/23/2007, 10:00 AM**

Dismiss at 10:00 AM

7. The February 23, 2007 Case Management Conference will be held immediately after the 10:00 AM hearing on Defendants' motions, rather than at 1:30 PM that same day.

Dated: November 21, 2006

LEWIS, FEINBERG,
RENAKER & JACKSON P.C.

By: /S/
Cassie Springer-Sullivan
Attorneys for Plaintiff

Dated: November 21, 2006

SEDGWICK, DETERT, MORAN &
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By: /S/
Dennis G. Rolstad
Attorneys for Defendant
Hartford Financial Services Group, Inc.


Dated: November 21, 2006

GALTON & HELM LLP

By: /S/
Michael B. Bernacchi
Attorneys for Defendants
CNA Integrated Disability Program Plan and
Continental Assurance Company

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11/28
Dated: _____, 2006



Honorable Claudia Wilken
United States District Court

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.
3

4 _____/S/_____

5 Cassie Springer-Sullivan
6 Attorneys for Plaintiff
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